

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

McAfee, Inc., a Delaware corporation
f/k/a Network Associates, Inc., d/b/a
Network Associates, Inc.,

Plaintiff,

v.

Terry W. Davis, an individual; and
DOES 1 through 10, inclusive,

Defendants.

Case No. C 07-03529 JW

**ORDER GRANTING PLAINTIFF
McAfee, Inc.'s MOTION TO DISMISS
COUNTER CLAIM OF DEFENDANT
TERRY W. DAVIS**

[PROPOSED]

F.R.C.P. 12(B)(6)]

Hearing:

Date: September 24, 2007

Time: 9:00 a.m.

Judge: Honorable James Ware

On September 24, 2007, Plaintiff McAfee, Inc.'s ("McAfee") Motion to Dismiss Defendant Terry W. Davis' ("Davis") Counter Claim for Breach of Contract pursuant to Rule 12(b)(6) of the Federal Rule of Civil Procedure, came on regularly for hearing in Courtroom 8 of the above-named Court, the Honorable James Ware, presiding. All appearances were stated on the record.

The Court, having considered the pleadings and oral arguments by counsel, and for good cause appearing therefor:

IT IS HEREBY ORDERED that:

